

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Horticulture Department – Disciplinary proceedings initiated against Sri Y. Srinivasa Rao, Assistant Director of Horticulture for certain allegations of irregularities in execution of works while he worked in Guntur – Penalty awarded – A.P. Administrative Tribunal order dt.06-11-2009 in O.A.No.6930/2004 – Further action dropped – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 315

Dated: 10-03-2010
Read the following:-

1. From the DoH, Hyd. Lr.No.HDA/20/1991, dt.16-06-1992.
2. GORt.No.1652, F&A(Agri.II)Dept., dt.31-07-1992.
3. Govt.Memo No.32307/Horti./1992, dt.14-02-1996.
4. GORt.No.916, Agri. & Coop.(Vig.II)Dept., dt.02-09-2004.
5. From A.P.A.T. order dt.06-11-2009 in O.A.No.6930/2004 filed by Sri Y. Srinivasa Rao, A.D.H.(Retired).
6. Govt.Memo No.18037/Vig.II(2)/2004-7, dt.17-02-2010.

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ORDER:

It was brought to the notice of the Government that as a part of the Cyclone Emergency Reconstruction Project(CERP), Guntur District was provided with Rs.47.00 lakhs for the Establishment of a new Horticulture Farm at Adigoppula(Rs.28.00 lakhs) and Development of existing Horticulture Nursery at Kantheru(Rs.19.00 lakhs). Out of this, Rs.30,32,207-50 Ps. was released up to March, 1992 and for which the Assistant Director of Horticulture, Sri Y. Srinivasa Rao reported the expenditure. During the inspection of the works done, it was noticed that certain irregularities were alleged to have been committed by Sri Y. Srinivasa Rao, Assistant Director of Horticulture, Guntur. In this regard, Government appointed Sri M. Anantha Reddy, Additional Director of Horticulture as Enquiry Officer to conduct a detailed enquiry into the irregularities committed by the above said Accused Officer. in the reference 2nd read above. After conducting enquiry, Sri M. Anantha Reddy, Additional Director of Horticulture & Enquiry Officer, has submitted the Report on the above irregularities. Further, the Director of Horticulture, Hyderabad reported that the Audit Party of Accountant General's Office pointed out certain irregularities in CERP including H.Fs, Kantheru and Adigoppula.

2. After examining the matter, Government initiated disciplinary proceedings by framing charges against Sri Y. Srinivasa Rao, Assistant Director of Horticulture vide reference 3rd read above. After following due procedure, Govt. in the reference 4th read above, awarded a penalty of 20% cut in pension on Sri Y. Srinivasa Rao, Assistant Director of Horticulture(Retired), Ongole, as out of (4) charges, (2) charges were held proved in the regular inquiry.

3. Aggrieved by the above, Sri Y. Srinivasa Rao, Assistant Director of Horticulture has approached the A.P. Administrative Tribunal and file an O.A.No.6930/2004.

4. The A.P. Administrative Tribunal in its order dt.06-11-2009, in O.A.No.6930/2004 have ordered as follows:-

“.....After going through the entire record, I am of the view that there is no procedural irregularity committed by the Respondents and there is no violation of provisions of A.P.Civil Services(CCA)Rules in finding the applicant guilty of the misconduct. Therefore, I do not find any ground to set aside the impugned order regarding the misconduct committed by the applicant.

So far as cut of 20% in the pension of the applicant by way of punishment is concerned, there was no direct material to prove that the applicant misappropriated the amount. There were some transactions which could not be explained properly. In view of the above circumstances, I am of the view that the punishment of 20% cut in pension imposed against the applicant is disproportionate to the gravity of the misconduct. Therefore, I am inclined to modify the punishment of 20% cut in pension to that of 10% cut in pension.

In the result, the O.A. is allowed in part. The order of the disciplinary authority finding the applicant guilty of the charges is confirmed. The punishment of 20% cut in pension is modified to that of 10% cut in pension. Consequently, the Respondents are directed to release the rest of the pension. No order as to costs”.

5. In the light of above orders of A.P. Administrative Tribunal, in the reference 6th read above, Sri Y. Srinivasa Rao, Assistant Director of Horticulture(Retired) was requested to appear for personal hearing on 22-02-2010.

(PTO)

6. Government, after careful examination of the matter with reference to the record of inquiry and after personal hearing, have observed as follows:-

- i. Payments at the Farm level were not at all made by Sri Y. Srinivasa Rao, Assistant Director of Horticulture. Each one of the payments were made by the Horticulture Officers. There is no direct culpability of Sri Y. Srinivasa Rao. Substantial funds were made available to Assistant Director of Horticulture for the first time. All the developmental works taken up were done with the full concurrence and approval of the Collector. As the volume of work was substantial and the time was limited, approvals were taken from the Collector. Moreover, good quality work has been turned out in all the areas. Sri M. Anantha Reddy, Additional Director of Horticulture & Enquiry Officer has specifically mentioned that Sri Y. Srinivasa Rao has converted the abandoned Adigoppula Farm into a major asset for the department and also developed Kantheru as a model farm. A few procedural lapses observed while executing such huge works with a very little staff had no bad motive. No malafide can be attributed to Sri Y. Srinivasa Rao whatsoever. Eventually, he has opined that a lenient view may be taken for the services rendered by him for more than three decades in the department His integrity has been proved beyond any reasonable doubt throughout his career;
- ii. Even A.P.Administrative Tribunal has come to the conclusion that the penalty awarded to Sri Y. Srinivasa Rao is much more than necessary in the circumstances explained. Individual has appealed that in the evening of his life, imposition of 10% withholding of pension is a stigma on his otherwise long and honest career;
- iii. Some 20 years ago, huge quantum of funds were made available under C.E.R.P. Scheme for taking up project works at Kantheru. Sri Y. Srinivasa Rao had no staff support. Time was limited. Work had to be done on a war footing. He achieved success on both the fronts. Whatever he did, permission was taken from the Collector;
- iv. Each and every action of Sri Y. Srinivasa Rao was inspired with a noble motive, to somehow complete the project work for which funds are made available. Outstanding work to convert these farms into model farms is praised as such by the enquiry officers;
- v. After his retirement, entire file is moving without the benefit of any feed back from Sri Y. Srinivasa Rao. After listening to him at length after so many years of his retirement, Government is convinced that he has been a sincere, honest and conscientious officer throughout his career spanning three decades. Now, it is more than a decade since he has retired. Enough trauma has already been suffered by him for such a long time. In the evening of his life, the least the government can do is to ensure that no stigma remains attached to his otherwise honest career. Imposition of 10% withholding of pension should be scrapped. He should be given 100% pension. It would ensure restoration of his dignity and honour – Especially at this juncture during the evening of his life.

7. As such, Government hereby set aside the penalty of withholding of 20% pension permanently awarded against Sri Y. Srinivasa Rao, Assistant Director of Horticulture(Retired) in the reference 4th read above and hereby drop further action against him.

8 The Director of Horticulture, A.P., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. GOEL

A.P.C. & SPECIAL CHIEF SECRETARY TO GOVERNMENT, ATM

To

Sri Y. Srinivasa Rao, Assistant Director of Horticulture (Retired)
(Through: The Director of Horticulture, A.P., Hyderabad)

Copy to:-

The Director of Horticulture, A.P., Hyderabad.
Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER